

CHILD CARE ORGANIZATIONS (EXCERPT)
Act 116 of 1973

722.115c Applicant for child care organization license; criminal history check and criminal records check; requirements; fee; definitions.

Sec. 5c. (1) Except as provided in subsection (8), when a person or partnership, or licensee designee if the applicant is a limited liability corporation, firm, corporation, association, or nongovernmental organization applies for or applies to renew a license for a child care organization under section 5, the department shall request the department of state police to perform both of the following on the person, licensee designee, chief administrator, and program director of a child care organization:

(a) Conduct a criminal history check on the person.

(b) Conduct a criminal records check through the federal bureau of investigation on the person.

(2) Except as provided in subsection (7), each person applying for a license to operate a child care organization shall give written consent at the time of the license application for the department of state police to conduct the criminal history check and criminal records check required under this section. The department shall require the person to submit his or her fingerprints to the department of state police for the criminal history check and criminal records check described in subsection (1).

(3) The department shall request a criminal history check and criminal records check required under this section on a form and in the manner prescribed by the department of state police.

(4) Within a reasonable time after receiving a complete request by the department for a criminal history check on a person under this section, the department of state police shall conduct the criminal history check and provide a report of the results to the department. The report shall contain any criminal history record information on the person maintained by the department of state police.

(5) Within a reasonable time after receiving a proper request by the department for a criminal records check on a person under this section, the department of state police shall initiate the criminal records check. After receiving the results of the criminal records check from the federal bureau of investigation, the department of state police shall provide a report of the results to the department.

(6) The department of state police may charge the department a fee for a criminal history check or a criminal records check required under this section that does not exceed the actual and reasonable cost of conducting the check. The department may pass along to the licensee or applicant the actual cost or fee charged by the department of state police for performing a criminal history check or a criminal records check required under this section.

(7) When a person, partnership, firm, corporation, association, or nongovernmental organization applies for or renews a license under section 5 for a child care center or day care center that is established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state-approved nonpublic school, the criminal history check and criminal records check required under subsection (1) shall be performed in compliance with the provisions of sections 1230 to 1230h of the revised school code, 1976 PA 451, MCL 380.1230 to 380.1230h. Before issuing or renewing a license to a child care center or day care center described in this subsection, the department shall verify that the intermediate school board, the board of a local school district, or the board or governing body of a state-approved nonpublic school has obtained the required criminal history checks and criminal records checks.

(8) If a person, licensee designee, chief administrator, or program director of a child care organization applying to renew a license to operate a child care organization has previously undergone a criminal history check and criminal records check required under subsection (1) and has remained continuously licensed after the criminal history check and criminal records check have been performed, that person, licensee designee, chief administrator, or program director of a child care organization is not required to submit to another criminal history check or criminal records check upon renewal of the license obtained under section 5.

(9) As used in this section and sections 5, 5d, 5e, 5f, and 5g:

(a) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

History: Add. 2005, Act 133, Eff. Jan. 1, 2006;—Am. 2006, Act 580, Imd. Eff. Jan. 3, 2007;—Am. 2010, Act 379, Imd. Eff. Dec. 22, 2010.

Compiler's note: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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